

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROSEMARIE THOMPSON,)
Plaintiff,)
vs.)
TARGET CORPORATION,)
Defendant.)

)

2:12-cv-00031-PMP-GWF
ORDER

This action involves a claim for personal injury arising out of an incident on September 8, 2009, during which Plaintiff, Rosemarie Thompson, while walking near the cart area inside the entrance to a TARGET store owned by Defendant TARGET CORPORATION, slipped on a puddle of a clear liquid substance approximately one square foot in size. In her Complaint filed September 2, 2011 in Nevada State Court, Thompson alleges the injury and damage she suffered from the fall at the Defendant TARGET store were the result of Defendant's negligence.

On January 9, 2012, Defendant removed the action to this Court and conducted discovery over a span of approximately eighteen months. Now before the Court is Defendant TARGET's fully briefed Motion for Summary Judgment (Doc. #46) filed October 23, 2013. TARGET argues that as a matter of law, the undisputed facts do not establish negligence on the part of TARGET because there is no evidence TARGET caused the liquid substance to be on the floor, no evidence that TARGET had actual notice that the liquid substance was on the floor before

1 Thompson slipped and fell on it, and no evidence that TARGET had constructive notice that the
2 liquid substance was on the floor at the time of Thompson's fall. Thompson disputes each of these
3 arguments and contends there remain genuine issues of material fact as to each issue. Viewing the
4 facts in the light most favorable to Plaintiff Thompson, the Court finds genuine issues of material
5 fact remain as to each of the issues presented which, if resolved by a jury in favor of Plaintiff
6 Thompson, could lead a rational trier of fact to find in her favor at trial.

7 **IT IS THEREFORE ORDERED** that Defendant TARGET's Motion for Summary
8 (Doc. #46) is DENIED.

9 **IT IS FURTHER ORDERED** that the Parties shall forthwith meet and confer, and
10 shall not later than January 22, 2014 file a Proposed Joint Pretrial Order.

11 DATED: December 11, 2013.

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13 PHILIP M. PRO
14 United States District Judge

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